



Report to the Auburn City Council

Action Item
Agenda Item No. **6**

City Manager's Approval

To: Mayor and City Council Members
From: Reg Murray, Senior Planner
Date: April 22, 2013
Subject: Second Reading - Ordinance Amendment for Residential Care Facilities (File 301.3(cc))

The Issue

Should the City Council hold the Second Reading to adopt an ordinance for Residential Care Facilities which would define residential care facilities and permit large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2)?

Recommended Motion (Approval)

Hold the Second Reading, by title only, of the ordinance for Residential Care Facilities which defines residential care facilities and permits large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2).

Background/Analysis

On April 8, 2013 the Auburn City Council considered a request to adopt an ordinance for Residential Care Facilities. At the hearing, the City Council adopted a Categorical Exemption for the ordinance, adopted the Findings of Fact, and also held the First Reading of the Residential Care Facilities ordinance.

The ordinance defines residential care facilities, permits large residential care facilities in the Multiple-family Residential (R-3) zone district and the Central Business District (C-2), and establishes parking standards for facilities. A copy of the ordinance is provided as Exhibit A.

The Second Reading will complete the City's actions for the ordinance. The Ordinance will become effective thirty (30) days following the Second Reading.

Alternatives Available; Implications of Alternatives

1. Hold the Second Reading for the Residential Care Facilities ordinance.
2. Amend the ordinance for Residential Care Facilities and reintroduce the ordinance for First Reading.
3. Deny the Second Reading for the Residential Care Facilities ordinance.

Exhibits:

- A. Residential Care Facilities Ordinance

ORDINANCE NO. 13 - _____

**AN ORDINANCE OF THE CITY OF AUBURN AMENDING THE AUBURN
MUNICIPAL CODE TO INCLUDE PROVISIONS FOR RESIDENTIAL CARE
FACILITIES IN THE MULTIPLE-FAMILY RESIDENTIAL (R3) AND CENTRAL
BUSINESS (C-2) ZONE DISTRICTS**

THE CITY COUNCIL OF THE CITY OF AUBURN HEREBY FINDS AS FOLLOWS:

- A. Whereas the City of Auburn recognizes the benefits of allowing a range of housing opportunities for disadvantaged persons; and,
- B. Whereas the Auburn Housing Element (Program M) commits the City to amend its zoning ordinance to allow Residential Care Facilities in the Multiple-Family Residential (R3) and the Central Business (C-2) zone districts; and,
- C. Whereas the Zoning Ordinance of the Auburn Municipal Code regulates the existing standards of the City's development code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY ORDAIN:

Section One: Amend Section 159.001 (Definitions) of Title XV of the City of Auburn Municipal Code to include the following definitions:

RESIDENTIAL CARE FACILITY - LARGE. A large residential care facility refers to any premises, place, or building that provides 24-hour non-medical services to seven (7) or more persons who are in need of personal services, supervision, or assistance. A large residential care facility is licensed by the State Department of Social Services and, according to the provisions of the California Health and Safety Code, shall be considered a residential use of property. Typical uses include, but are not limited to, facilities for alcoholism or drug abuse recovery, residential care for the elderly, mentally disordered or handicapped persons, dependent and neglected children, social rehabilitation, pediatric care, intermediate care for the development disabled, and congregate living health.

RESIDENTIAL CARE FACILITY - SMALL. A small residential care facility refers to any premises, place, or building that provides 24-hour non-medical services to six (6) or fewer persons who are in need of personal services, supervision, or assistance. A small residential care facility is licensed by the State Department of Social Services and, according to the provisions of the California Health and Safety Code, shall be considered a residential use of property. Typical uses include, but are not limited to, facilities for alcoholism or drug abuse recovery, residential care for the elderly, mentally disordered or handicapped persons, dependent and neglected children, social rehabilitation, pediatric care, intermediate care for the development disabled, and congregate living health.

Section Two: Amend Section 159.030 (Single-family Residential District (R-1)) of Title XV of the City of Auburn Municipal Code to read as follows:

§ 159.030 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1).

- (A) The following uses shall be permitted in the Single-Family Residential (R-1) District:
- (1) One single-family detached dwelling unit occupied by a single family and appurtenant accessory buildings;
 - (2) Municipal or other public buildings, utilities and properties, including schools, parks, playgrounds and community centers owned and operated by a governmental agency, and excluding corporation yards and other uses generally classified as industrial in nature;
 - (3) Up to 6 non-related persons living as a non-profit group;
 - (4) Rest homes, foster and small family day-care homes, and outpatient nursing care homes or similar licensed facilities for up to 6 persons, including the adults and children constituting the family;
 - (5) Large family day-care homes as regulated by the provisions of §159.390 et seq.;
 - (6) Residential Care Facility – Small; and
 - (7) Permanent manufactured homes for single-family use in compliance with § 159.055.
- (B) The following uses shall be permitted in the Single-Family Residential (R-1) District subject to the approval of a use permit:
- (1) Privately-owned schools, parks, golf courses, swimming and/or tennis clubs, and utilities, except as provided in §159.260 et seq.;
 - (2) Churches and rest homes;
 - (3) One guest house;
 - (4) Home occupations customarily incidental to a residence;
 - (5) In areas not less than one acre in size, rooming and boardinghouses for not more than 15 persons, including the family; and

Section Three: Amend Section 159.032 (Medium Density Multiple-family Residential District (R-3)) of Title XV of the City of Auburn Municipal Code to read as follows:

§ 159.032 MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT (R-3).

- (A) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District:
- (1) All uses permitted in the R-1 and R-2 Districts;
 - (2) Multiple-family dwelling units as regulated by the provisions of §159.016(C); and
 - (3) Rest homes and outpatient nursing care homes for up to 15 persons, including the children or adults constituting the family.

- (B) The following uses shall be permitted in the Medium Density Multiple-Family Residential (R-3) District subject to the approval of a use permit:
- (1) Hospitals, medical and dental clinics and professional offices;
 - (2) Rooming houses for up to 15 persons;
 - (3) Nursery schools and child care centers; and
 - (4) Residential Care Facility – Large.

Section Four: Amend Section 159.034(C) (Central Business District (C-2)) of Title XV of the City of Auburn Municipal Code to read as follows:

§ 159.034 CENTRAL BUSINESS DISTRICT (C-2).

- (C) The following uses shall be permitted in the Central Business (C-2) District subject to the approval of a use permit:
- (1) Automobile repair shops (not including spray painting or body work);
 - (2) Automobile service stations;
 - (3) Cleaning plants;
 - (4) Creameries;
 - (5) Electrical repair shops;
 - (6) Laundries;
 - (7) Motorcycle sales shops;
 - (8) Plumbing shops;
 - (9) Printing shops;
 - (10) Sheet metal shops and tire recapping with tire sales;
 - (11) Animal hospitals and clinics; and
 - (12) Residential Care Facility – Large.

Section Five: Amend Section 159.167 (Parking Spaces; Number Required) of Title XV of the City of Auburn Municipal Code to include the following:

- (M) For residential care facilities:
- (1) Small – For small residential care facilities, 2 usable parking spaces; and
 - (2) Large – For large residential care facilities, 1 parking space for each 2 beds.
- (N) For uses not set forth in this section, as determined by the Commission.

Section Six: This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937.

Section Seven: The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

Section Eight: If any part of this Ordinance is held to be invalid, such invalidity shall not affect any other provision which reasonably can be given effect without regard to the invalid provision and, to that end, the provisions of this Ordinance are hereby declared to be severable.

DATED: _____, 2013

Kevin Hanley, Mayor

ATTEST:

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing ordinance was duly passed at a regular session meeting of the City Council of the City of Auburn held on the _____ day of _____ 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

Stephanie L. Snyder, City Clerk

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